IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1639
	)	
PEDERSEN, Henrik	)	Examiner: GROSS, C.
	)	
Serial No.: 10/523,006	)	Washington, D.C.
	)	
Filed: December 16, 2005	)	May 5, 2010
	)	
For: MULTI-STEP SYNTHESIS OF TEMPLATED MOLECULES	)	Docket No.: PEDERSEN=12
	)	
	)	Confirmation No.: 4649

ELECTION WITH TRAVERSE

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S i r :

In response to the supplemental election of species mailed December 9, 2009, please enter the following response.

1. Applicants are required to elect a "single species of molecule, present in the library of claim 51, specified as to atom and bond including showing the oligonucleotide identifier".

In response, we elect with traverse the Feuston compound cited on page 88, line 25 and illustrated in Fig. 30 as structure 2.

2. Claim 51 recites in pertinent part, "A library of complexes comprising a molecule part and a double stranded oligonucleotide [sic] identifier identifying the molecule part...."

It is clear from the foregoing that the oligonucleotide identifier is not a part of the molecule although it is a part of the complex. Hence, the requirement to elect a single species of molecule does not encompass a requirement to elect a single oligonucleotide identifier to identify that molecule.

In the prior restriction, we were initially required to elect a "single specific species of template such as set forth in claim 1(a) specified as to atom and bond including reactive group". In a telephonic interview of September 9, 2009, we were

advised that election of "oligonucleotide" (without specifying the sequence thereof) would be acceptable.

The template of claim 1 may be the oligonucleotide of claim 51.

We do not claim any specific oligonucleotide identifiers and indeed it is completely arbitrary which identifier is associated with a given molecule. It is arbitrary because the identifier is assembled from codons and the association of particular codons with particular chemical entities of the building blocks is arbitrary, with the constraint that each chemical entity should be assigned a unique codon. (P3, L17-20; P29, L23-25; Fig. 1). Hence, restriction to a specific oligonucleotide identifier would be unjustified.

However, should identification of an oligonucleotide identifier nonetheless be required, it would be AH140 (SEQ ID NO:3).

3. The restriction is traversed for the reasons previously set forth in section 9 of our October 1, 2008 response. We note that the present restriction fails to respond to that reasoning.

4. We wish to note that Feuston 5 is the product of three building blocks, comprising, as functional entities, "Feuston 3" (the structure shown as structure 1 in Fig. 30), a Gly and Asp. In the prior restriction, we were required to elect a species of building block. In section 4 of our October 1, 2008 response, we stated

> Applicant elects as a species of building block a heterocycle (page 24, line 29) linked by a natural polynucleotide (page 23, line 29) to an anti-codon in the form of a natural DNA oligonucleotide (page 7, lines 9 to 11) capable of hybridizing to the codon of a template (as elected herein above). If further specificity is required, Applicant elects the particular heterocylic compound which is the left most compound in Figure